

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:18-cr-68-FtM-38MRM

JUAN CARLOS ALFARO GARCIA

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 126](#)) on Defendant Juan Carlos Alfaro Garcia's Motion for Hearing to Determine Competency ([Doc. 63](#)). He recommends that the Court find Garcia to be competent and this action proceed to trial. ([Doc. 126 at 43](#)). Neither party objects to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation is ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.*

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.


After examining the file independently, and upon considering Judge McCoy's findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation ([Doc. 126](#)) is **ACCEPTED and ADOPTED** and the findings incorporated therein.
- (2) Defendant Juan Carlos Alfaro Garcia's Motion for Hearing to Determine Competency ([Doc. 63](#)) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. The motion is **granted** to the extent that the Court held an evidentiary hearing to determine Garcia's competency;
 - b. The motion is **denied** to the extent that the Court finds Garcia to be competent to proceed to trial and to assist properly in his defense; and
 - c. The motion is **denied** to the extent it seeks any other relief.
- (3) This case remains set for the January 2020 trial term with a status conference on December 9, 2019.
- (4) The Court will discuss specific accommodations necessary for Defendant, if any, at a final pretrial conference.

DONE AND ORDERED in Fort Myers, Florida on this 27th day of November 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record